UNITED NATIONS

GENERAL
ASSEMBLY

Distr.
GENERAL

A/CN.9/SER.C/INDEX/2
19 September 1995

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW

CASE LAW ON UNCITRAL TEXTS
(CLOUT)

UNCITRAL index of the United Nations Convention on Contracts for the International Sale of Goods

1. This document contains an index of the Sales Convention. It is based on the thesaurus contained in A/CN.9/SER.C/INDEX/1 and it lists cases under the provision of the Sales Convention and the sub-issue with which each particular case deals.

2. Court decisions are listed alphabetically by country with an indication of the year of the decision and the CLOUT number of the case. Arbitral awards are identified as such and are listed by year of issue with an indication of the case number. The index will be updated periodically by a consolidated index.

Copyright © United Nations 1995
Printed in Austria

All rights reserved. Applications for the right to reproduce this work or parts thereof are welcome and should be sent to the Secretary, United Nations Publications Board, United Nations Headquarters, New York, N.Y. 10017, United States of America. Governments and governmental institutions may reproduce this work or parts thereof without permission, but are requested to inform the United Nations of such reproduction.

V.95-57356

1B1 Parties in different Contracting States (art. 1(1)(a))

Argentina	1991	21
Arbitral award	1992	26
France	1993	25
Switzerland	1993	97
U.S.A.	1994	85

1B2 Private international law points to Contracting State (art.1(1)(b))

Germany	1989	3, 4, 46
	1990	5, 7
	1991	1, 2, 6
	1993	48
Italy	1993	54
Netherlands	1991	98
	1993	99-100
Switzerland	1991	55
	1992	56, 95
Arbitral award	1994	92-94

3A Goods to be manufactured (art. 3(1))

Switzerland	1992	95
	1993	97

4B3 Other issues not governed by this Convention

Italy	1993	54

6A1 Implied exclusion or modification

Arbitral award	1994	92

7A31 [Good faith] As principle for interpreting Convention

Arbitral award	1994	94
Switzerland	1993	97

7C2 Problems governed by Convention but not expressly settled

Argentina	1991	21
Germany	1993	49

8B1 Understanding of reasonable person of same kind as other party

Germany	1990	5

8C2 Practices established by the parties; agreements (see art. 9)

U.S.A.	1992	23
	1993	24

9C Practices established by the parties (art. 9(1))

Hungary	1992	52
Switzerland	1992	95

9D2 Usages impliedly made applicable to contract (art. 9(2))
Argentina 1991 21

14A12 Determination of quantity and price (see art. 55)
Hungary 1992 53

16B1 Promise or indication of irrevocability
Arbitral award 1994 94

18A3 Silence or inactivity insufficient [acceptance]
U.S.A. 1992 23

19C1 Modifications considered material listed in art. 19(3)
U.S.A. 1992 23

23A Contract concluded when acceptance becomes effective
Germany 1990 5

25B Definition: Substantial deprivation of expectation, etc.
Germany 1991 6

25C Other issues concerning definition [fundamental breach]
Germany 1991 2

29A Parties may modify or terminate the contract by agreement
Germany 1990 5

29B1 Agreement barring oral modification may not apply
U.S.A 1994 86

29B11 Conduct on which the other party has relied
Arbitral award 1994 94

31A Contracts involving carriage of goods (art. 31(a))
Italy 1992 91

31B1 Goods to be placed at disposal at known place (art. 31(b))
Germany 1993 47

35A Quality, quantity and description required by contract (art. 35(1))
Germany 1991 1

35B1 Fitness for purposes for goods of same description (art. 35(2)(a))

Germany	1991	50
	1994	84

35B2 Fitness for particular purpose made known to seller (art.35(2)(b))

Germany	1994	82

36A Conformity determined as of time when risk passes to buyer

Germany	1991	1
Switzerland	1992	56

38A1 As soon as practicable in the circumstances (art. 38(1))

Arbitral award	1989	45
Germany	1989	4
	1993	48
	1994	81
Netherlands	1991	98
Switzerland	1992	56
Switzerland	1993	97

39A Buyer must notify seller within reasonable time (art. 39(1)) [lack of conformity]

Arbitral Award	1989	45
Germany	1993	48
	1994	81, 82
Netherlands	1991	98
Switzerland	1991	56
	1993	97

40A Seller fails to disclose known non-conformity

Arbitral award	1989	45

40B Sanction: seller loses right to rely on articles 38 and 39

Netherlands	1991	98

45A Summary of buyer's remedies for breach by seller (art. 45(1))

Germany	1991	50-51
	1993	48-49
	1994	82-83

47A Buyer's right to fix additional period for performance

Germany	1990	7

49A1 Fundamental breach of contract (art. 49(1)(a))

Germany	1989	4
	1991	2, 6, 50
	1994	79
Italy	1989	90

49A2 Seller does not deliver or refuses to deliver

Germany	1990	7

49B1 Failure to avoid within periods specified in art. 49(2)(a)&(b)

Germany	1994	83

50A Buyer's right to reduce price for non-conforming goods

Germany	1989	46
	1993	48
	1994	83-84
Switzerland	1992	56

51A Delivery or conformity of only part of goods

Germany	1991	50
	1993	48

53A Obligation to pay price of goods

Germany	1989	46
	1990	5
Hungary	1992	52
Arbitral award	1992	26
	1994	93

57A In absence of agreement, payment at seller's place of business (art. 57(1)(a)

Arbitral award	1992	26
France	1993	25
Germany	1993	49
	1994	80

58A Buyer to pay when goods placed at buyer's disposition (art. 58(1))

Germany	1989	46
	1994	80

61A1 Exercise rights provided in arts. 62 to 65

Arbitral award	1994	93

61A2 Claim damages as provided in arts. 74 to 77

Germany	1993	47

63A Additional final period for buyer's performance (art. 63(1))

Germany	1993	47

67A Risk passes on handing goods over to first carrier (art.67(1)

Italy	1992	91

73A Fundamental breach with respect to installment (art. 73(1))

Germany	1991	51

74A Loss suffered as consequence of breach

Germany	1989	4
	1990	7
	1991	50-51
	1993	47-49
U.S.A.	1994	85
Arbitral award	1994	93-94

75A Substitute transaction after avoidance

U.S.A.	1994	85

77A Obligation to take reasonable measures to mitigate damages

U.S.A.	1994	85

78A Interest on delay in receiving price or any other sum in arrear

Germany	1991	1, 6
	1990	5-7
	1994	79, 81-83
Arbitral award	1992	26
Netherlands	1993	99
Switzerland	1991	55
U.S.A.	1994	85

78B Rate of interest

Arbitral award	1992	26
	1994	93-94
Germany	1990	5, 7
	1991	1, 6
	1994	79, 81-83
Italy	1989	90
Netherlands	1993	100
Switzerland	1992	95
	1993	97
U.S.A.	1994	85

79A Central issue: exemption from liability for damages (art. 79(1

Italy	1993	54

82A1 Inability to return goods in same condition (art. 82(1))

Germany	1994	82

84A Seller bound to refund price must pay interest (art. 84(1))

Italy	1989	90

87A Preservation of goods (arts. 85 & 86) by deposit in warehouse

Switzerland	1994	96

99B Denunciation of 1964 Hague Conventions on Sale (ULF & ULIS) (articles 99(3),(4),(5)&(6))

Italy	1988	8

100A1 Applicability based on date of proposal or offer (art. 100(1))

Argentina	1991	22
Italy	1988	8
Netherlands	1993	99
Switzerland	1992	95

* * *